

## OFFICE OF SURFACE MINING

The following list summarizes and paraphrases authorities that may be useful to the Office of Surface Mining Reclamation and Enforcement (OSM) in forming partnership arrangements with the public and private sector. Should a particular authority appear helpful, the reader should review the actual text of the statute to ensure that no additional limitations or qualifications exist that may affect OSM's ability to use the authority. Also the list of [Department-level authorities](#) may be consulted.

The Solicitor's Office can help the agency determine the most appropriate way to use these authorities to accomplish its partnership goals. Consultation with the Solicitor's Office early in the initial partnership planning and discussion stages will help facilitate effective, and legally supportable, achievement of those goals.

Various sections of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. §1201 *et seq.*, authorize OSM to enter into cooperative and partnership arrangements with non-Federal entities. Such authorities include:

- A. GENERAL SMCRA AUTHORITIES (§201(c) of SMCRA, 30 U.S.C. §1211(c)):** This section of SMCRA sets forth a series of general authorities relating to cooperation with State and local entities. Under such authority, OSM is authorized to do the following:
1. Administer the State grant-in-aid program for the development of State regulatory programs under SMCRA **(§201(c)(3))**.
  2. Administer a program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title IV of SMCRA **(§201(c)(4))**.
  3. Administer the surface mining and reclamation research and demonstration project authority **(§201(c)(5))**.
  4. Assist States, local governments, and other eligible agencies in the coordination and development of programs related to the control and reclamation of surface mining operations **(§§201(c)(6) and (9))**.
  5. Develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and the Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations **(§201(c)(8))**.
  6. Assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining **(§201(c)(10))**.
  7. Cooperate with State regulatory authorities to minimize duplication of inspections, enforcement, and administration of SMCRA **(§201(c)(12))**.

## **B. SPECIFIC SMCRA AUTHORITIES**

- 1. Grants and Agreements Related to Regulation of Surface Coal Mining Operations (§§101(f), 503, 523, and 705 of SMCRA, 30 U.S.C. §§1201, 1253, 1273, and 1295):** Under SMCRA, States may assume primary responsibility for the regulation of surface coal mining operations following Secretarial approval of a State regulatory program that meets minimum Federal standards for non-Federal lands, and, if they enter into a cooperative agreement, for Federal lands. States may receive grants reimbursing them for up to 50 percent of the costs of administering State regulatory programs on non-Federal lands. States also may receive 100 percent reimbursement for the cost of regulating coal mining on Federal lands pursuant to a cooperative agreement.
- 2. State Assistance for Training and Inventories (§705(b) of SMCRA (30 U.S.C. §1295(b)):** OSM is authorized to cooperate with and provide assistance to any State, for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance includes (1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and (2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. OSM may also fund certain aspects of the Interstate Mining Compact Commission, an organization of State regulatory authorities, to assist them in improving the quality of their regulatory programs.
- 3. Reclamation of Abandoned Mine Lands and Waters (§§401(c)(1), (c)(8), and (c)(9), 402(g), 403, and 405 of SMCRA, 30 U.S.C. §§1231(c), 1232, and 1235):** SMCRA authorizes OSM to expend funds from the Abandoned Mine Reclamation Fund for the reclamation and restoration of land and water resources adversely affected by past coal mining. OSM may award grants to States and Indian tribes to reclaim abandoned mine lands left in an inadequately reclaimed condition prior to the adoption of SMCRA. These grants also may include projects such as establishment of subsidence insurance programs or construction or extension of public water systems to coalfield residents adversely impacted by mining.
- 4. Cooperative Projects (30 U.S.C. §1242(b)):** Section 413(b) of SMCRA authorizes OSM to engage in cooperative projects with any State for carrying out the purposes of abandoned mine reclamation.
- 5. Studies, Research, and Demonstration (§§401(c)(6) and 721 of SMCRA, 30 U.S.C. §§1231(c)(6) and 1309(b)):** Section 721 of SMCRA authorizes OSM to conduct studies, research and demonstration projects relating to the implementation of, and compliance with SMCRA and provide technical assistance to states for that purpose. Section 401(c)(6) of SMCRA authorizes OSM to expend monies from the Abandoned Mine Reclamation Fund for studies by the Department of the Interior to such extent or in such amounts as are provided in appropriation Acts with public and private organizations to provide information, advice, and technical assistance,

including Abandoned mine land reclamation research and demonstration projects conducted in accordance with §3501 of the Omnibus Budget Reconciliation Act of 1986.

6. **Research and Demonstration Projects of Alternative Coal Mining Technologies (§908 of SMCRA, 30 U.S.C. §1328):** SMCRA section 908 authorizes the Secretary to enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons for the purpose of promoting the development and application of alternative coal mining technologies.
7. **Grants to Indian Tribes (30 U.S.C. §1300(I)):** Section 710(I) of SMCRA,, authorizes OSM to make grants to the Navajo, Hopi, Northern Cheyenne, and Crow tribes to assist such tribes in developing programs for regulating surface coal mining and reclamation operations on Indian lands. Such grants are to be used to establish an office of surface mining regulation for each such tribe. Among other things, each such office shall assist OSM in the inspection and enforcement of surface mining activities on Indian lands; and sponsor employment training and education in the area of mining and mineral resources.
8. **Gift Authority (30 U.S.C. §1231(b)(3)):** SMCRA authorizes OSM to accept donations for carrying out the purposes of the Abandoned Mine Reclamation Fund.

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